

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JESSICA WROBLESKI,

Plaintiff,

- against -

CITY OF NEW YORK, et al.,

Defendants.  
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<b>USDC SDNY</b> <b>DOCUMENT</b> <b>ELECTRONICALLY FILED</b> <b>DOC #:</b> _____ <b>DATE FILED:</b> 4/30/2020
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18-CV-8208 (VSB)

**ORDER OF SERVICE**

VERNON S. BRODERICK, United States District Judge:

Plaintiff is proceeding pro se and in forma pauperis. On January 30, 2020, certain Defendants submitted a letter indicating they intended to move to dismiss Plaintiff's Second Amended Complaint. (Doc. 37.) By Order dated January 31, 2020, I set a briefing schedule for the proposed motion and any amended complaint Plaintiff wished to file pursuant to Federal Rule of Civil Procedure 15(a)(1)(B). (Doc. 37.) Defendants' motion was due by March 6, 2020. Plaintiff was to file any third amended complaint by March 27, 2020, or if she chose not to file an amended complaint, she was to serve her opposition to the motion by April 20, 2020. Defendants' reply, if any, would be due by May 11, 2020.

Defendants' filed their motions to dismiss and supporting documents on March 5 and 6, 2020. (Docs. 46–54.) On March 19, 2020, Plaintiff filed request for an extension of time to file her amended complaint. (Doc. 57.) On April 23, 2020, Plaintiff filed the Third Amended Complaint, (Doc. 58), along with a “motion of opposition” to Defendants' motions to dismiss, (Doc. 59.)

Accordingly, it is hereby:

ORDERED that Plaintiff's request for an extension of time to file her Third Amended Complaint is GRANTED nunc pro tunc. The Third Amended Complaint filed as Document 58 is accepted as Plaintiff's operative pleading in this matter, replacing any previously filed complaints.

IT IS FURTHER ORDERED that Defendants shall submit a letter by May 11, 2020, informing me whether they wish to proceed with briefing the motions already filed, or whether the pending motions are moot in light of the Third Amended Complaint. *See Pettaway v. Nat'l Recovery Solutions*, 955 F.3d 299 (2d Cir. 2020) (“[W]hen a plaintiff properly amends her complaint after a defendant has filed a motion to dismiss that is still pending, the district court has the option of either denying the pending motion as moot or evaluation the motion in light of the facts alleged in the amended complaint.”)

The Clerk of Court is respectfully directed to mail a copy of this Order to the pro se Plaintiff.

SO ORDERED.

Dated: April 30, 2020  
New York, New York

  
Vernon S. Broderick  
United States District Judge